ESTABLISH THE GRAND ISLAND NATIONAL RECREATION AREA IN THE STATE OF MICHIGAN

HEARING

BEFORE THE

SUBCOMMITTEE ON FORESTS, FAMILY FARMS, AND ENERGY

OF THE

COMMITTEE ON AGRICULTURE HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

H.R. 1472

JUNE 27, 1989

Serial No. 101-38

Printed for the use of the Committee on Agriculture

U.S. GOVERNMENT PRINTING OFFICE

28-313 WASHINGTON : 1990

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

H161-21

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ESTABLISH THE GRAND ISLAND NATIONAL RECREATION AREA IN THE STATE OF MICHIGAN

TUESDAY, JUNE 27, 1989

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FORESTS, FAMILY FARMS, AND ENERGY,
COMMITTEE ON AGRICULTURE,
Washington, DC.

The subcommittee met, pursuant to call, at 2:15 p.m., in room 1302, Longworth House Office Building, Hon. Harold L. Volkmer (chairman of the subcommittee) presiding.

Present: Representatives Olin, Jontz, Johnson, Morrison, Marlenee, Smith, Schuette, and Herger.

Also present: Representative E (Kika) de la Garza, chairman of the committee.

Staff present: Vernie Hubert, associate counsel; Joseph Muldoon, assistant counsel; John E. Hogan, minority counsel; Alice Devine, minority associate counsel; Glenda L. Temple, clerk; Timothy P. De Coster, and Allison Biggs,

OPENING STATEMENT OF HON. HAROLD L. VOLKMER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI

Mr. VOLKMER. The Subcommittee on Forests, Family Farms, and Energy is meeting today to review H.R. 1472. This bill, to establish the Grand Island National Recreation Area in the State of Michigan was introduced by our colleague, Representative Dale Kildee, along with most of the Michigan delegation.

H.R. 1472 was amended and reported by the Committee on Interior and Insular Affairs, and sequentially referred to the Agriculture Committee for our consideration. This bill directs the Secretary of Agriculture to acquire lands on Grand Island, a 13,500 acre island in Lake Superior, and adjacent mainland properties, to establish a National Recreation Area in order to preserve the various resources of the area. The boundaries of the Hiawatha National Forest would be expanded to take in the recreation area.

This is an important acquisition and designation, and there appears to be broad support for the bill.

[H.R. 1472 follows:]

101ST CONGRESS
1ST SESSION

H. R. 1472

To establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 1989

Mr. KILDEE (for himself, Mr. LEVIN of Michigan, Mr. WOLPE, Mr. HENRY, Mr. BONIOR, Mr. TRAXLER, Mr. CONYERS, Mr. CARR, Mr. DINGELL, Mr. HERTEL, Mr. VANDER JAGT, Mr. FORD of Michigan, and Mr. SCHUETTE) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

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A BILL

To establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF GRAND ISLAND NATIONAL RECREATION AREA.

In order to preserve and protect for present and future generations the outstandingly remarkable values of Grand Island in Lake Superior, Michigan, and to provide for the conservation, protection, and enhancement of its scenic, recreation, fish and wildlife, vegetation, botanical and histori-

cal resources, there is hereby established the Grand Island National Recreation Area (hereafter in this Act referred to as the "national recreation area").

SEC. 2. BOUNDARIES.

The national recreation area shall comprise all of the Grand Island in Lake Superior, Michigan, all associated rocks, pinnacles, islands and islets, and all submerged lands within one-quarter mile of the shore of Grand Island and any lands on the mainland acquired under section 4(a). The boundaries of the Hiawatha National Forest are hereby extended to include all of the lands within the national recreation area, which extended boundaries shall be deemed boundaries in existence as of January 1, 1965, for the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601). All federally owned lands within the national recreation area on the date of enactment of this Act are hereby components of the National Forest System and shall be administered by the Secretary of Agriculture as provided in this Act.

SEC. 3. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid existing rights, the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall administer the national recreation area in accordance with the laws, rules, and regulations applicable to

the National Forest System in furtherance of the purposes for which the national recreation area was established.

(b) SPECIAL MANAGEMENT REQUIREMENTS.—The national recreation area shall also be administered according to the following special management requirements:

(1) Owners of privately owned land within the national recreation area shall be afforded access across National Forest System lands to their property as is provided other inholders within units of the National Forest System pursuant to section 1323(a) of Public Law 96–487 (16 U.S.C. 3210(a)).

(2) Consistent with section 5 of this Act, and the purposes of this Act, the Secretary shall provide for and maintain public access, including roads for vehicle access, for the purpose of general recreational activities, including, but not limited to, camping, hiking, hunting, fishing, and trapping.

(3) The use of snowmobiles shall be permitted on Federal lands in the national recreation area in a manner similar to that on other areas of the National Forest System.

(4) Timber management shall be utilized as a tool to enhance public recreation, scenic quality, game and nongame species, and the protection and enhancement of threatened, endangered, or sensitive plant species

and wildlife. Trees damaged or downed due to fire, insects, disease, or blowdown may be salvaged and removed from the recreation area as authorized by the Secretary.

(5) The Secretary shall, after acquiring fee title to at least 10,000 acres of land on Grand Island, provide water transportation from the mainland to Grand Island either through concession, permit, or other means, except that such transportation shall not be required when the Secretary determines it to be unsafe, considering such factors as weather and water conditions.

(6) After termination of the Grand Island Development Commission under section 8, the Secretary shall provide for a docking facility and a lodge facility.

(7) All necessary actions shall be taken to provide for public health and safety and for the protection of the national recreation area in the event of fire or infestation of insects or disease.

SEC. 4. LAND ACQUISITION.

(a) GENERAL AUTHORITY.—The Secretary is authorized and directed to acquire by purchase, gift, exchange, or otherwise, lands, waters, or interests therein, including scenic or other easements, within the boundaries of the national recreation area, and on the mainland to the extent necessary

for access and administrative facilities. In exercising this authority to acquire lands, the Secretary is directed to give prompt and careful consideration to any offer to sell land made by an individual, organization, or any legal entity owning property within the boundaries of the national recreation area.

(b) RESTRICTION.—

(1) The Secretary may not utilize condemnation proceedings without the consent of the owner to acquire lands in fee within the boundaries of the national recreation area so long as—

(A) the lands are being used in the same manner and for the same purpose as used on January 1, 1989;

(B) after fire or destruction, structures are rebuilt in substantially the same size, materials, and location as previously existed;

(C) the lands are improved by construction so long as improvements do not exceed the height of existing buildings, do not increase the sum of the exterior dimensions of existing buildings by 25 percent, or more if deemed necessary by the Secretary, over that existing January 1, 1989, and are constructed of natural materials (as deemed by the Secretary as consistent with colors and mate-

rials used elsewhere in the national recreation area); or

(D) the lands are owned by the owner of record as of December 31, 1989.

(2) Notwithstanding paragraph (1), an owner of unimproved real property within the national recreation area on January 1, 1989, may make improvements by construction to his property in a manner which is historically consistent with other construction within the national recreation area, as approved by the Secretary.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall limit the use of condemnation for purposes of providing public access to publicly held lands in the national recreation area, to clear title, or to acquire scenic easements. A scenic easement is defined as those interests in land deemed necessary by the Secretary to control the uses of the land consistent with the consent of the landowner. Acquisition of a scenic easement shall not prohibit those uses of the land as of January 1, 1989, as described in subsection (b) of this section, which shall be reserved to the landowner.

(d) OCCUPANCY AND USE PERMITS FOR CERTAIN PRIVATELY OWNED CABINS.—Subject to valid fee ownerships existing on the date of enactment of this Act, the Secretary shall issue occupancy and use permits for any cabin existing on the national recreation area which is privately owned as of

the date of enactment of this Act. Any such permit shall be issued for an initial period of 20 years and shall be renewed thereafter for successive 20-year periods so long as the permittee is in compliance with this subsection and related rules and regulations. Any such permit shall be issued in accordance with the laws, rules, and regulations of the Secretary pertaining to the National Forest System, except that such permit shall be subject to the following special provisions:

(1) Such permits may only be issued to the owner of such cabin, the owner's spouse, the children and grandchildren of that owner and spouses, and their lineal descendants.

(2) Only noncommercial recreation occupancy may be permitted unless otherwise permitted by the Secretary for purposes related to the public use and enjoyment of the national recreation area.

(3) The Secretary shall collect fees on an annual basis based on the fair market value of the occupancy permitted.

(4) The expansion, remodeling, or reconstruction of structures shall be subject to regulation by the Secretary. No such expansion, remodeling, or reconstruction may result in an increase of more than 25 percent of the interior area of a structure as it existed on the date of enactment of this Act unless more is deemed

necessary by the Secretary. Such expansion, remodeling, or reconstruction shall be of similar type and character of architecture, materials, and construction as previously existed and shall be subject to such other terms and conditions as the Secretary may prescribe.

(5) Any such cabin may be acquired at fair market value by the Secretary at the end of an occupancy, or at any other time on a willing seller basis.

(e) FIRST REFUSAL.—Any privately owned lands and interests in lands within the national recreation area shall not be sold without being offered for sale to the Secretary who shall be given a period of up to 120 days to accept an offer and, after such offer is accepted, a period of 45 days after the end of the fiscal year following the fiscal year in which the offer was accepted to acquire such lands or interests in lands. No such lands or interests in lands shall be sold at a price below the price at which they have been offered for sale to the Secretary, and if such lands are reoffered for sale they shall first be reoffered to the Secretary, except that this subsection shall not apply to a change in ownership of a property within the immediate family of the owner of record on January 1, 1989. For the purposes of this subsection, the term "immediate family" means, with respect to any such owner of record, the sibling, children (whether natural or adopted), and lineal descendants of that owner.

SEC. 5. FISH AND GAME.

(a) IN GENERAL.—Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Michigan with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping in any lands acquired and managed by the Secretary under this Act, except that the Secretary may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, the protection of nongame species and their habitats, or public use and enjoyment.

(b) NOTICE OF SECRETARIAL ACTION.—As soon as practicable after each case in which the Secretary exercises authority under subsection (a), the Secretary, in consultation with appropriate officials of the State of Michigan, shall take steps to notify residents of the State as to the nature of actions taken, and the location of zones designated and periods established, under subsection (a).

(c) CONSULTATION.—Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect after careful and deliberative consultation with the State of Michigan.

SEC. 6. MINERALS.

Subject to valid existing rights, the lands within the national recreation area are hereby withdrawn from location, entry, and patent under the United States mining laws and

from disposition under all laws pertaining to mineral leasing including all laws pertaining to geothermal leasing. Also subject to valid existing rights, the Secretary shall not allow any mineral development on federally owned land within the national recreation area, except that common varieties of mineral materials, such as stone, sand, and gravel, may be utilized only by the Secretary to the extent necessary for construction and maintenance of roads and facilities within the national recreation area.

SEC. 7. MANAGEMENT PLAN.

(a) DEVELOPMENT.—After the Secretary acquires fee title to at least 10,000 acres of land on Grand Island, the Secretary shall, within 24 months, develop a management plan for the national recreation area which takes into account section 3.

(b) ISSUES TO BE ADDRESSED.—The comprehensive management plan shall address the following issues:

(1) Public recreation, including consideration of a range of appropriate recreation opportunities consistent with the rustic, natural, and historic character of the island, including (but not limited to) a system of trails and campsites to be provided for and maintained under section 3(b)(2) and coordinated with the retreat or lodge referred to in paragraph (2) of this section.

(2) The feasibility of a concessionaire operated rustic retreat or lodge on no more than 55 acres located so as not to impair or alter existing scenic views or the existing tree line and forested appearance of Grand Island from any point within the boundaries of Pictured Rocks National Lakeshore. The study shall address the economics of constructing, operating, and maintaining, including by exclusive contractual arrangements, such a facility by a concessionaire or other entity; access by roads and water; utilities; waste water treatment, garbage disposal, and other associated environmental impacts; management operations including construction, operation and maintenance; and the potential for permitted uses by government agencies, profit and nonprofit organizations, or individuals as a retreat or educational facility.

(3) Prescriptions concerning any management and harvest of timber, subject to section 3(b)(4).

(4) The general design criteria for any facilities included in the management plan should consider the rustic, natural, and historic character of the island and the topographic and geologic location of the proposed facilities.

(5) Water transportation from the mainland to the national recreation area by a concessionaire or other entity.

(6) The feasibility of construction of a concessionaire operated docking facility on the national recreation area.

(7) Road maintenance and motor vehicles uses, subject to section 3(b), including management and regulation to protect the resources of the national recreation area while, at the same time, providing reasonable access to private property.

(c) CONSULTATION.—In preparing the comprehensive management plan, the Secretary shall consult with State and local government officials, and provide for full public participation considering the views of all interested parties, organizations, and individuals.

SEC. 8. DEVELOPMENT OF NONFEDERAL LAND ON GRAND ISLAND.

(a) GRAND ISLAND DEVELOPMENT COMMISSION.—

(1) The Secretary shall establish a commission to be known as the Grand Island Development Commission (hereafter in this section referred to as the "commission") which shall be comprised of 8 members.

(2) The commission shall advertise for, recruit, and receive proposals for non-Federal development on

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Grand Island on the land referred to in section 7(b)(2). Upon receipt of any such proposal, the commission shall submit that proposal to the Secretary.

(3) The commission shall cease to exist on the date on which the Secretary selects development proposals under subsection (b)(2).

(4) Members of the commission shall serve without pay.

(b) DEVELOPMENT PROPOSALS.—

(1) The Secretary may receive proposals for non-Federal development on Grand Island on the land referred to in section 7(b)(2) in accordance with this Act.

(2) Not earlier than 6 months before the end of the 24-month period referred to in section 7(a) and not later than 6 months after such period, the Secretary shall select a development proposal. The Secretary may modify the development proposal selected to the extent the Secretary determines necessary or appropriate and, within 180 days after the date on which the proposals were selected, begin to implement the selected proposal.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) ACQUISITION OF LANDS.—There are hereby authorized to be appropriated an amount not to exceed

$5,000,000 for the acquisition of land or interests in land within the national recreation area.

(b) OTHER PURPOSES.—In addition to subsection (a), there are authorized to be appropriated not more than $3,000,000 to carry out the other purposes of this Act.

Mr. VOLKMER. We have a statement from the bill's sponsor, Mr. Kildee, who is unable to attend this meeting because he has a markup on legislation himself in another committee. That statement has been distributed and I will make that a part of the record at the appropriate point. Let's make it a part of the record right after the opening statements of all the members.

At this time I will recognize the gentleman from Washington.

Mr. MORRISON. Thank you, Mr. Chairman. I have a very brief opening statement I would like to submit for the record. As I have read the testimony, Mr. Chairman, I think we can deal with this matter rather expeditiously.

[The statement of Mr. Morrison follows:]

STATEMENT OF HON. SID MORRISON

Mr. Chairman, I am delighted to be here today for the consideration of H.R. 1472, establishing a National Recreation Area on Grand Island, Michigan.

I understand Congressman Kildee and the Michigan delegation, including our colleague, Congressman Schuette, went to a great deal of work to design this bill so that it satisfies the interests involved—including the Forest Service—on the designation of this new National Recreation Area. I commend them for their efforts.

Judging from its scenic beauty, ecologic and historic features, Grand Island sounds like a perfect candidate for a National Recreational Area. I look forward to hearing today's witnesses and reporting out legislation to get this process started.

Thank you, Mr. Chairman.

Mr. VOLKMER. The gentleman from Virginia.

Mr. OLIN. I have no comments.

Mr. VOLKMER. The gentleman from California.

Mr. HERGER. No comments, Mr. Chairman.

Mr. VOLKMER. All right. At this point we will make Mr. Schuette's and Mr. Kildee's statement a part of the record.

[The prepared statements of Mr. Schuette and Mr. Kildee follow:]

Statement by Mr. Schuette, submitted for the record of hearing/markup on HR 1472, Grand Island National Recreation Area, June 27, 1989.

I'M GLAD THIS SUBCOMMITTEE IS HAVING THE OPPORTUNITY TO HEAR FROM THE FOREST SERVICE ON THIS BILL, OF WHICH I AM A COSPONSOR. I JUST WANT TO MAKE A FEW COMMENTS ABOUT THE PROPOSED GRAND ISLAND NATIONAL RECREATIONAL AREA.

FOR THOSE OF YOU UNFORTUNATE ENOUGH TO HAVE BEEN BORN AND RAISED IN STATES OTHER THAN MICHIGAN, IT MAY BE DIFFICULT TO REALIZE JUST HOW MUCH NATURAL BEAUTY CAN BE CONTAINED ON ONE ISLAND. BUT BELIEVE ME, GRAND ISLAND IS A TREASURE. WE IN MICHIGAN HAVE LONG TREASURED IT, AND WE'RE A GENEROUS PEOPLE SO NOW WE'D LIKE TO ADD IT TO THE INVENTORY OF NATIONAL TREASURES.

THE FLORA AND FAUNA OF GRAND ISLAND ARE DIVERSE, WITH RARE AND BEAUTIFUL FLOWERS, BLACK BEARS, BALD EAGLES, AND DOZENS OF OTHER SPECIES. THERE ARE ALSO A FEW OF THE HUMAN SPECIES THERE, ESPECIALLY IN THE SUMMER. ONE OF THE NICE THINGS ABOUT THIS BILL IS THAT IT ALLOWS THOSE WHO HAVE FOR YEARS SPENT THEIR SUMMERS ON GRAND ISLAND TO CONTINUE TO DO SO. IT ALSO ALLOWS A REASONABLE AMOUNT OF DEVELOPMENT, WHICH IS SOMETHING THE UPPER PENINSULA OF MICHIGAN NEEDS IF IT IS TO REMAIN ECONOMICALLY VIABLE.

REPRESENTATIVE DALE E. KILDEE
TESTIMONY BEFORE THE HOUSE SUBCOMMITTEE ON FORESTS,
FAMILY FARMS, AND ENERGY
JUNE 27, 1989

I WANT TO THANK YOU FOR TAKING THE TIME OUT OF YOUR BUSY COMMITTEE SCHEDULE TO HOLD A HEARING ON H.R. 1472, A BILL TO ESTABLISH THE GRAND ISLAND NATIONAL RECREATION AREA. AS A CHAIRMAN OF A SUBCOMMITTEE ON THE EDUCATION AND LABOR COMMITTEE MYSELF, I KNOW HOW DIFFICULT IT CAN BE TO PULL TOGETHER A HEARING ON SUCH SHORT NOTICE.

MR. CHAIRMAN, IN PRESIDENT BUSH'S STATE OF THE UNION ADDRESS, THE PRESIDENT RECOMMENDED A $50 MILLION INCREASE IN LAND ACQUISITION MONIES FROM THE LAND AND WATER CONSERVATION FUND. I WANT TO COMMEND THE PRESIDENT FOR HIS ACKNOWLEDGEMENT OF THE NEED FOR LAND ACQUISITION MONIES TO PROTECT AND ENHANCE OUR NATION'S NATURAL RESOURCES. AND I CAN THINK OF NO BETTER WAY OF BEGINNING THIS NEW APPROACH THAN WITH THE ACQUISITION OF GRAND ISLAND, MICHIGAN. AS A MATTER OF FACT, WHEN THIS LEGISLATION WAS BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS, CHIEF ROBERTSON TESTIFIED IN FAVOR OF FEDERAL ACQUISITION OF GRAND ISLAND, THE FIRST TIME IN SEVERAL YEARS THAT A FEDERAL LANDS AGENCY HAD TESTIFIED IN FAVOR OF NEW LAND ACQUISITION. I BELIEVE THAT THIS IS A TRIBUTE TO THE REMARKABLE CHARACTERISTICS OF GRAND ISLAND.

LOCATED IN LAKE SUPERIOR IN THE UPPER PENINSULA OF MICHIGAN NEAR THE CITY OF MUNISING, THIS 13,500 ACRE ISLAND IS ONE OF THE MOST BEAUTIFUL PARCELS OF LAND IN OUR STATE. GRAND ISLAND IS HOST TO A DIVERSITY OF FRAGILE FLORA AND FAUNA THAT WARRANTS FEDERAL PROTECTION. THE ISLAND CONTAINS THE LARGEST BEAVER-FORMED LAKE IN THE UNITED STATES, AND IS HOME TO A WIDE ARRAY OF ENDANGERED PLANT SPECIES INCLUDING VARIOUS ORCHIDS, FERNS AND TRILLIUM. MOREOVER, THE WILDLIFE COMMUNITY INCLUDES BLACK BEAR, HAWKS, AND BALD EAGLES. MANY PEOPLE HAVE SUGGESTED THAT GRAND ISLAND WOULD BE THE OPTIMAL SITE FOR THE REINTRODUCTION OF THE PEREGRINE FALCON IN MICHIGAN.

THE HISTORY OF THIS ISLAND IS JUST AS RICH AS ITS NATURAL RESOURCES. THE FRENCH EXPLORER RADISSON, WHO CAME TO THE AREA IN 1650, FOUND THE OJIBWAY INDIANS LIVING ON AN ISLAND THEY CALLED "KITCHIE MINIS." RADISSON TRANSLATED THIS AS BEING "THE GRAND ISLANDS." WHEN HENRY SCHOOLCRAFT WENT ON AN EXPEDITION TO LOCATE THE SOURCE OF THE MISSISSIPPI, HE LANDED ON GRAND ISLAND IN 1820. HE WROTE EXTENSIVELY OF A YOUNG CHIPPEWAY HERO WHO SANG THE EXPLOITS OF HIS PEOPLE. IT WAS SCHOOLCRAFT'S ACCOUNT OF GRAND ISLAND THAT INSPIRED HIS FRIEND, HENRY LONGFELLOW, TO WRITE HIS EPIC AMERICAN POEM "SONG OF THE HIAWATHA," IN WHICH HE EXPOUNDED UPON THE UNBROKEN FORESTS, THE SOARING CLIFFS AND THE SLOPING SILVERY BEACHES OF GRAND ISLAND.

MR. CHAIRMAN, THE LEGISLATION THAT I HAVE INTRODUCED PROVIDES THE FEDERAL GOVERNMENT WITH A UNIQUE OPPORTUNITY TO PROTECT THIS PRECIOUS RESOURCE. THIS BILL WOULD AUTHORIZE THE PURCHASE OF GRAND ISLAND AND WOULD PLACE IT WITHIN THE BOUNDARIES OF THE HIAWATHA NATIONAL FOREST, WHICH IS ADJACENT TO THE ISLAND.

FROM THE VERY BEGINNING, I HAVE BELIEVED THAT WE NEEDED TO STRIKE A BALANCE BETWEEN THE DEVELOPMENT AND PRESERVATION OF THIS BEAUTIFUL ISLAND. BY SETTING ASIDE 55 ACRES OF LAND FOR PRIVATE DEVELOPMENT, AND BY PLACING THE ISLAND UNDER THE MANAGEMENT OF THE U.S. FOREST SERVICE, I BELIEVE WE HAVE REACHED THIS DELICATE BALANCE.

MR. CHAIRMAN, THERE IS NO QUESTION THAT THIS BILL IS A COMPROMISE OF MANY DIVERGENT INTERESTS. I HAVE WORKED WITH THE LOCAL COMMUNITY AND MANY INTEREST GROUPS TO DEVELOP A BILL THAT I BELIEVE IS FAIR AND REPRESENTS THE INTERESTS OF ALL THE PARTIES INVOLVED. FOR EXAMPLE, IN ADDITION TO ALLOWING PRIVATE DEVELOPMENT ON THE ISLAND, THIS LEGISLATION PROTECTS MANY OF THE FRAGILE FLORA AND FAUNA THAT INHABIT THE ISLAND; IT ALLOWS HUNTING, FISHING AND TRAPPING; AND IT ENABLES HOMEOWNERS WHO CURRENTLY RENT THEIR PROPERTIES TO BUY THEIR HOMES AND PASS IT ON TO THEIR DIRECT LINEAL DESCENDENTS.

AS YOU WELL KNOW MR. CHAIRMAN, IN DRAFTING ANY LEGISLATION, THE CONGRESS MUST BE SURE TO TAKE LOCAL INPUT INTO ACCOUNT. BY CREATING THE "GRAND ISLAND ADVISORY COMMISSION" IN THIS LEGISLATION, WE ARE ENSURING THAT THE LOCAL MUNISING COMMUNITY WILL CONTINUE TO PLAY A KEY ROLE IN THE MANAGEMENT OF GRAND ISLAND.

I ALSO BELIEVE THE TREMENDOUS SUPPORT OF H.R. 1472 FROM 15 OF MY COLLEAGUES IN MICHIGAN DELEGATION; FROM GOVERNOR JAMES J. BLANCHARD; FROM NATIONAL AND LOCAL ENVIRONMENTAL GROUPS IS A TRIBUTE TO THE SUCCESS WE HAVE HAD IN DEVELOPING BROAD SUPPORT FOR THIS BILL.

AS YOU KNOW, MR. CHAIRMAN, THE HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS FAVORABLY REPORTED H.R. 1472 ON MAY 23, 1989. IN ADDITION, LAST WEEK, THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE INTERIOR APPROPRIATED $3.5 MILLION FOR THE ACQUISITION OF GRAND ISLAND UNDER THE JURISDICTION OF THE UNITED STATES FOREST SERVICE. I BELIEVE THESE POSITIVE DEVELOPMENTS, ACCOMPANIED BY YOUR STRONG SUPPORT, WILL MAKE THIS LEGISLATION A REALITY.

AGAIN, I WANT TO THANK YOU FOR HOLDING THIS HEARING AND I AM LOOKING FORWARD TO WORKING WITH YOU, AND THE MEMBERS OF THE COMMITTEE, TO PROTECT AND ENHANCE OUR NATION'S NATURAL RESOURCES FOR GENERATIONS TO COME.

Mr. VOLKMER. At this time I would like for Mr. Larry Henson, Associate Deputy Chief, Forest Service, to come forward and present the testimony of the U.S. Forest Service.

Mr. Henson, your statement will be made a part of the record, and you may either review it in full or summarize it, however you so desire.

STATEMENT OF LARRY HENSON, ASSOCIATE DEPUTY CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY LOREN WOERPEL, LANDS OFFICER, HIAWATHA NATIONAL FOREST

Mr. HENSON. Thank you, Mr. Chairman, for the opportunity to offer our views in regard to Grand Island.

With me today is Loren Woerpel, who is the Lands Officer in the Hiawatha National Forest, the forest where Grand Island is located. With your permission, I would like to summarize my written statement, which I understand will be part of the record.

Mr. Chairman, we support Federal acquisition and National Recreation Area status of Grand Island in order to ensure public access to and use of the island now and in the future. H.R. 1472 would establish a very unique and important National Recreation Area and provide a clear legal basis for planning, management, and public use on Grand Island.

Grand Island has the qualities necessary to provide a broad range of recreational opportunities, from back country hiking to developed campgrounds and rustic retreat lodging. We are confident that these opportunities could be realized over time through a cooperative approach involving Forest Service management, volunteers, private sector partnerships, and concessionnaires.

As you know, Mr. Chairman, for the past several years the administration has not supported an acquisition program because of the need to reduce the Federal budget deficit. However, President Bush proposed a budget amendment for fiscal year 1990 that includes an appropriation of $206 million from the Land and Water Conservation Fund. Funds for the acquisition of Grand Island are included in this amendment.

We have one minor concern with the bill. Section 8 would establish an advisory commission to advise the Secretary of Agriculture on the preparation of a management plan for the National Recreation Area. Three members of the commission would be Forest Service employees. We recommend that this provision be amended to assure that the Forest Supervisor of the Hiawatha National Forest be one of these employees and that all three are ex officio, nonvoting members of the commission.

This concludes our summary. I would be pleased to answer any questions. I would like to remind you that we have Loren Woerpel here, who is an employee of that forest of longstanding. He is very familiar with Grand Island and all the aspects of the proposal.

[The prepared statement of Mr. Henson appears at the conclusion of the hearing.]

Mr. VOLKMER. Thank you very much, Mr. Henson.

I understand from your testimony that the administration is in support of the legislation, with that one small exception?

Mr. HENSON. Yes, sir. We would be very proud to have this added to the National Forest System.

Mr. VOLKMER. I have no further questions.

Does the gentleman from Washington have any questions?

Mr. MORRISON. Mr. Chairman, I have to presume that this is a highly desirable recreational property and 99 percent owned by the Cleveland-Cliffs Iron Company. Do we have any idea on price?

Mr. Woerpel, you're close to the issue. Has there been a negotiation with CCI so that we have some sort of a feel for the price tag?

Mr. WOERPEL. The appraisal that is in existence right now has been done for The Trust for Public Land. We have reviewed that appraisal, but until we see the actual estate that The Trust for Public Land would be providing us, we would not have it exactly. The value right now is in the Land and Water Conservation Fund at $3.5 million. It will be something in that neighborhood or less.

Mr. MORRISON. The Trust for Public Lands is already serving as an intermediary?

Mr. WOERPEL. Yes.

Mr. MORRISON. Thank you. Those are the only questions I had, Mr. Chairman.

Mr. VOLKMER. The gentleman from Virginia.

Mr. OLIN. No questions, Mr. Chairman.

Mr. VOLKMER. The gentleman from California.

Mr. HERGER. No questions, Mr. Chairman.

Mr. VOLKMER. I do have one other question. I just thought about it and hadn't asked it before.

How many private homes or dwellings are in this area that is to be acquired? Do you have any idea?

Mr. HENSON. Yes, we do.

Mr. WOERPEL. There are several statuses of different properties on the island. Right now there are 19 leases that are leased by Cleveland-Cliffs. Some of these have cabins on them, some of them that are owned by CCI, and some of them have cabins that are owned by private individuals. The way it breaks down is there is some 25 buildings on the island which, as we understand it, when The Trust for Public Land would convey that to us, all those properties would be privately owned and then would comprise a lease from us through our normal leasing process.

In addition to that, there is a 44 acre tract that had been subdivided some years ago. There are about 20 property owners in that subdivision of 44 acres, parts of which they own in joint as well. That, by the way, on your map is just a little small, yellow spot on the tip of that one southern peninsula. The rest of it is involved in this transaction.

So, in summary, there are three types of property, some of which are buildings owned by CCI and are on CCI land, some are private buildings that are on CCI land, and then there are some with this 44 acres that are wholly owned in fee.

Mr. VOLKMER. Now, will any of those be acquired by the Trust?

Mr. WOERPEL. None of the 44 acres would be acquired by the Trust. There are 14 cabins that are owned by CCI that will be going to the Trust. It's our understanding the arrangement is that they will be sold to those long-term leasors. These have been in the families for several generations.

Mr. HENSON. I think the buildings themselves will be sold to the people that currently occupy them. We will turn around and issue leases to them similar to our recreation residents permit for a period of 20 years.

Mr. VOLKMER. I understood that, but my question is, who is actually going to have ownership of those areas where you say you're leasing it?

Mr. HENSON. The individuals will own the buildings.

Mr. VOLKMER. But you own the land?

Mr. HENSON. That's right.

Mr. VOLKMER. Therefore, what you will do is just lease the land back to them.

Mr. HENSON. That's correct.

Mr. VOLKMER. Is that generally the way it will happen on all of those tracts?

Mr. HENSON. Excuse me? I interrupted your question.

Mr. VOLKMER. Is that the way all the tracts will be handled, all the buildings, or is there somebody there who's going to own the land and the buildings?

Mr. WOERPEL. Not on the portion that CCI has. Only on that one that——

Mr. VOLKMER. That subdivision?

Mr. WOERPEL. Yes, that subdivision is the only one, and that is owned in fee already by those people.

Mr. HENSON. I believe that's a 44-acre subdivision and that land is not being acquired. That will land will continue to be——

Mr. VOLKMER. That's what I want to know. That will be what I would call an inholding, then?

Mr. HENSON. Right. That's correct.

Mr. MORRISON. Would the chairman yield just on that point?

Mr. VOLKMER. Yes.

Mr. MORRISON. I represent a recreational area that is handled by the Park Service. The big question mark is always what did Congress intend 20 some years ago when it was established as a compromise and a fight over national park boundaries. So, for the record, let's just flush out a little bit what the chairman is asking.

Is it your intent to eliminate private property ownership within this area?

Mr. HENSON. We have no intent whatsoever to eliminate private ownership within that area. We consider the private ownership really to be part of the history of the island. Private land does not pose any threats to our intended management of the land.

Mr. MORRISON. On the other hand, is it your intent to expand ownership or use of the island for, say, recreational homes, summer cabins, that sort of thing, as part of your recreational program?

Mr. HENSON. What we will do, Mr. Morrison, the proposed legislation requires a comprehensive plan, and we intend to involve the commission in those kinds of questions as to just exactly what the land use will be. We have no intent to expand what is currently being proposed for acquisition.

Mr. MORRISON. Our big fight is always over whether the Park Service intends to squeeze out private enterprise, private land ownership, you subdivide the land and that sort of thing. What you're

telling me is your comprehensive plan, which will be partially formed with local input, will determine the actual management scenario?

Mr. HENSON. That's correct.

Mr. MORRISON. Thank you, Mr. Chairman.

Mr. VOLKMER. I would like to continue the discussion just a little bit because what always concerns me when you have something like this going on—let's just look at the 44 acre tract because that's the only thing that concerns me now.

In the event, let's say, that a lot of people start going back to Grand Island, a lot more do, and somebody gets the idea that that would make a good "Six Flags Under Michigan" up there, what would be your position then at that time? You may not even be here. Let's say 10 years from now that happens. Where are we then?

Mr. HENSON. Well, let's let Loren Woerpel respond to that.

Mr. VOLKMER. Would you have a right to condemn it?

Mr. WOERPEL. The provisions of the bill lay out a situation where if the private owners in that 44-acre area wish to sell, they have to offer it to the Secretary first, first rights at market value. The Secretary has 120 days to deal with that offer. If the Secretary doesn't, then they can sell out in the market area, but not at anything at a lower price than what they've offered it to the Secretary.

The management of those properties there is now subdivided into small tracts. It doesn't appear that we would be dealing outside of those families that have it. They can sell it within their own families without offering it to the Secretary.

Mr. VOLKMER. I would have no objection to that. But my concern is—let's say that a use is proposed for that area that is inconsistent with the history of the area, with the public use of the rest of the island and everything else. What action could you take?

Mr. WOERPEL. The bill doesn't speak to the question of—You're asking about condemnation?

Mr. VOLKMER. Yes.

Mr. WOERPEL. It doesn't speak to the question of condemnation.

Mr. VOLKMER. Under general law, though, wouldn't you have the power of condemnation?

Mr. HENSON. I think the bill does not prohibit condemnation. We do have certain authorities for that.

Mr. VOLKMER. Well, in the first place, it probably wouldn't happen because, like you say, the Secretary would have the right of first refusal on any proposed sale. That surely would take care of the situation.

Mr. HENSON. Right. I understand what you're saying, Mr. Chairman. Oftentimes 10 or 15 years from now, after we pass this legislation, somebody decides to do exactly what you're saying. We would hope that with our comprehensive plan and local public involvement this wouldn't happen. But it may happen, and then we would have to deal with that question.

I'm sure we would, as an agency responsible for Grand Island, try to prevent developments on private land that we felt would be adverse to the environment of Grand Island.

Mr. VOLKMER. What is the mode of transportation right now from the mainland to Grand Island?

Mr. HENSON. In the summertime there are several means. There's a barge for heavy equipment that is pushed by a tug boat, and there are smaller boats to transport people. It's all by water. In the wintertime it's by ice and snowmobile.

Mr. VOLKMER. What is the distance, approximately, from the mainland?

Mr. WOERPEL. At the closest point it's less than a quarter of a mile. Do you want me to orient you on the map at all on that?

Mr. VOLKMER. No. I'm sure there are some communities that are close on the mainland.

Mr. WOERPEL. Right. The city of Munising is on the bay, at the southern point of the bay, and there is a city dock there. It's about a mile from the Munising dock to the interior bay—Murray Bay. It's in relatively protected waters for Lake Superior, which is pretty rugged waters.

Mr. VOLKMER. What is the population density, say, within the mainland? Well, let's put it this way. What is the next largest community, a large community? I'm not talking about an urban area of over a million.

Mr. WOERPEL. We don't have those in the Upper Peninsula.

Alger County, which is the county that faces the bay—and Munising is the community right there—has only about 7,000 people in that county. To the west, about 20 miles, is the city of Marquette, which has Northern Michigan University. It's the larger community of the Upper Peninsula.

Most of the visitation of this area comes from southern Michigan, from the Detroit area, the Chicago area, and then in the western UP it's from the Minneapolis area. So those are the major metropolitan areas that right now feed the tourism industry in the Upper Peninsula.

Mr. VOLKMER. Let's say the legislation passes and the Trust has acquired the land, what do you envision there? Is it campgrounds, trails? What type of recreational——

Mr. WOERPEL. If I could describe the island, it is an island that sets in this environment of a fairly rugged lake environment. It's almost like an ocean, an inland ocean. One of the reasons this island is not marketable in the normal market areas is because of it's rugged environment of climate, of black flies and mosquitoes, and temperature.

What people seem to be indicating to us is the kind of management the national forest would give it would be a combination of the multiple-use managements that we do on the national forests in hiking, cross-country skiing. There's provisions in the bill to require us to develop the snowmobiling trails that are on the mainland to extend into the island, and the provision for this development conceives of a lodge-trailhead that would be on Murray Bay that would feed the recreation of the island for day use or overnight use. But 13,000 acres is not real large, but it's enough to take care of a number of different kinds of activities without that interference.

It is also a very interesting place for historians. There's threatened and endangered species there that are a part of that, as well as the history of that island. All these things I think will come together in that comprehensive plan.

Mr. HENSON. I might add to that there is quite a group that's interested in maintaining the hunting on the island, which has been a tradition there.

Mr. VOLKMER. I assume that the location of the area and the ability even to get to it would not make it like Mackinac Island has developed into. There is just no way of that kind of activity.

Mr. WOERPEL. This climate and the lake itself is much different than, say, the northern side of Lake Michigan or Lake Huron. So that is the detriment. For history and time, there are many shipwrecks in the bay. In fact, they have a recreational use of that area in an underwater park, so it's a rugged environment and it would not be capable of being developed to the kind like we have at Mackinac Island. But it will have a unique island experience, related, we think, to the history of the fur trade era and the voyageur.

Mr. VOLKMER. Does most of the island have timber, trees?

Mr. WOERPEL. It's forested now, but it has been heavily harvested in the last decade. This is part of the restoration that will be envisioned in the plan. It is largely hardwood forest.

Mr. VOLKMER. Has there been much regrowth started?

Mr. WOERPEL. The majority of the cutting has occurred more recently, and so it is just in a regenerative situation right now.

Mr. VOLKMER. The early stages.

Mr. HENSON. Mr. Chairman, I wish you had time to learn more about this island. It's got a rich history. One of the Cleveland-Cliffs presidents of early years—around the turn of the century—invited Gifford Pinchot to his island to prepare a management plan. It's a very beautiful island. It's rugged. The roads that are on the island are really very primitive roads. The logging really has only happened in recent years, and from what I can tell, from the detailed photographs I've seen, there is plenty of natural regeneration coming back to replace trees that have been harvested. But this is a wild, beautiful island with rocky cliffs around the sides, along with sand beaches in other places. It's a very nice area that would be preserved if this acquisition were to take place.

Mr. VOLKMER. Other than those people that every once in a while frequent the island because they have a cabin there or home, does anyone else use the island other than timber?

Mr. WOERPEL. The local community obviously has had a long history of doing service work over on the island for these owners, also through friendships and so forth. There are hunting groups that go over. It has pretty much been left open by CCI for people to visit on snowmobiles. There is a lot of snowmobiling that has gone on over there in the wintertime.

But there has been this aspect that it is entirely private, and it has always been known that you can go there but it's private. So we think there will be a major conceptual change of this as a destination place rather than the way it has been.

Mr. VOLKMER. If there are no further questions, I want to thank both of you for your testimony here today. I appreciate it. You have been very informative and it has helped me out quite a bit.

We will now hear from Ms. Madeline Fishel, assistant director of Federal projects, The Trust for Public Land. Miss Fishel, your testimony will be made a part of the record and you may either review

it in full or summarize, however you so desire. It's not a very long statement, so either way, however you wish to handle it.

STATEMENT OF MADELINE FISHEL, ASSISTANT DIRECTOR, FEDERAL PROJECTS, THE TRUST FOR PUBLIC LAND

Ms. FISHEL. I will try to summarize.

Thank you, Mr. Chairman. I am Maddy Fishel, Assistant Director of Federal Projects for The Trust for Public Land, which is a national, nonprofit land conservation organization dedicated to the protection of public open space through public interest real estate transactions.

I would like to briefly describe some of the special resources that we believe have led to the interest in public acquisition of Grand Island and to describe The Trust for Public Land's role in that acquisition effort.

Grand Island's resource value, recreational value, and scenic beauty is really very special. Along its 27 miles of shoreline on Lake Superior there is spectacular sandstone cliffs, long stretches of sandy beach, and in the center of the island there is an ancient beaver dam which has formed a mile-long lake, called Echo Lake. This is believed to be the largest beaver created lake in the world. There are 175 year old cedars which rise out of wetlands at the northern end of the lake.

Protected for years by Cleveland-Cliffs as a game preserve, Grand Island still sustains large wildlife populations. It has a diversity of warblers and other nesting birds. Historically, the island has been a nesting ground for the bald eagle and peregrine falcon, and State officials have suggested that Grand Island may be the best place to reintroduce the falcon in the State of Michigan.

This island, with all these special natural features, lies just a half-a-mile from the UP mainland, which makes it remarkably accessible for recreation. Locally, it is famous as a fishing destination. Hikers, hunters, and other sportsmen have found outstanding recreational opportunities in the island's woodlands and along its shores.

The Trust for Public Land's involvement began about 6 years ago when we had our first contact with Cleveland-Cliffs Iron Company about possibly acquiring the property for the purpose of helping to convey it into public ownership. Our negotiations, as I said, began 6 years ago and they were start and stop, as those type of negotiations tend to be. Slightly more than 1 year ago, the corporation finally granted us an exclusive option to purchase the property. That option was a short-term option and it was due to expire last December. There was no means of public financing to acquire the island as of last December, and we were unable to convince Cleveland-Cliffs to renew the option. They apparently had in that time found a buyer who was interested in purchasing the island for private development purposes, commercial development.

Because of the high priority that we place on getting Grand Island into public ownership, we decided to exercise our option to purchase. We have been under contract and will actually acquire and own the property in fee on this Thursday, June 29.

Our decision to buy the property was based on the belief that if we did not exercise our option, the property would fall to private sale and development and, therefore, possibly not be available for public acquisition. We are at this point a very willing seller and we hope that funds will be made available through the Land and Water Conservation Fund to permit our conveyance to the Forest Service as soon as possible.

I thank you very much for your time.

[The prepared statement of Ms. Fishel appears at the conclusion of the hearing.]

Mr. VOLKMER. Thank you very much.

The negotiation and acquisition for the lands that need to be acquired, is that completed?

Ms. FISHEL. Yes. In fact, we will acquire the property this Thursday. We're under contract now to acquire, and we will acquire the property this Thursday.

Mr. VOLKMER. And that's approximately 13,500 acres, and the island has what, 20-some thousand acres?

Ms. FISHEL. I'm not sure of the overall acreage of the island. This is about 99 percent of the island.

Mr. VOLKMER. So it's most of the island then?

Ms. FISHEL. Yes.

Mr. VOLKMER. Can you give us a general idea so we don't buy a "pig in a poke" about how much this ultimately is going to cost the Federal Government?

Ms. FISHEL. Our appraisal, which we have submitted to the Forest Service for review—but that review process has not, to my knowledge, gone forward yet—appraises the island plus several houses on the island at $3.575 million. We're interested in conveying the land minus the homes for $3.415 million. Actually, that amount of money has now been included in the fiscal year 1990 Interior appropriations bill that is moving ahead.

Mr. VOLKMER. You heard my question to the previous panel about the future use, et cetera. You wouldn't want that type of thing to occur, either, would you? In other words, commercial, private coming up there on those 44 acres.

Ms. FISHEL. Our whole involvement here was to avoid the parceling up of the island and sale for commercial development.

Mr. VOLKMER. What about hunting and fishing? Do you have any problems with that?

Ms. FISHEL. No. Our interest is really in helping to make the land available.

Mr. VOLKMER. Right. You're just out there as a go between right now——

Ms. FISHEL. Right.

Mr. VOLKMER [continuing]. Since the land became available from CCI.

Ms. FISHEL. We are supportive of the bill in its current form, which I believe would allow for that type of activity.

Mr. VOLKMER. Let's say we go through with this and everything goes ahead, and the Federal Government pays the land trust $3.5 million for it. I'm not going to be reading in a newspaper somewhere that you all acquired it for $1.5 million, am I?

Ms. FISHEL. No, this transaction is based on the fair-market value.

Mr. VOLKMER. In other words, it's going to be approximately the same amount of money?

Ms. FISHEL. Yes.

Mr. VOLKMER. I have no further questions.

The gentleman from Washington.

Mr. MORRISON. No questions, Mr. Chairman. We respect the work of the Trust.

Mr. VOLKMER. The gentleman from Virginia.

Mr. OLIN. No questions.

Mr. VOLKMER. The gentleman from California.

Mr. HERGER. No questions.

Mr. VOLKMER. The gentleman from Montana.

Mr. MARLENEE. No questions, Mr. Chairman.

Mr. VOLKMER. Thank you very much. Ms. Fishel, I really appreciate the work you are all doing. Of course, without you, we probably wouldn't be here today talking about this. We appreciate it.

Ms. FISHEL. Thank you, Mr. Chairman.

Mr. VOLKMER. Another matter has come up before we go to the markup. I would like for the Forest Service to come back. Mr. Henson has left, but the gentleman with him is here and maybe you can answer the question.

The gentleman from Montana asked the question, that in the bill there's a provision which would authorize the Secretary to restrict hunting and trapping and things. Do you know how that would be implemented or envision how that would be implemented?

Mr. WOERPEL. This has been discussed amongst the different interests. The United Conservation Clubs has been a party to the discussions of this tract. The provision there is the normal and standard kind of authority for the Secretary to control the use of firearms around public areas for safety, and in the event it is needed, to protect some special resource.

The Hiawatha National Forest has a close working relationship with the Michigan Department of Conservation, and as you note in there, it requires certain consultations, except in emergency instances. We would expect to be continuing consultation with the regional staff of the fish and wildlife group as we also work in cooperation and partnerships on other fish and wildlife projects.

Mr. VOLKMER. This would be really no different type of language than we find applicable to all of our national forests?

Mr. WOERPEL. That's right.

Mr. VOLKMER. And if the State of Michigan had an open and closed season, let's say, on deer, the Forest Service would probably want to be in conformance with that and not have everybody coming up in a closed season shooting deer on the island. Is that basically the type of thing——

Mr. WOERPEL. That's right.

Mr. VOLKMER. You work with the national and State fish and wildlife people to set up seasons and things, and if there is something up there that shouldn't be killed because there's only one left, that would probably be taken care of.

Mr. WOERPEL. It's conceivable that most are being used in connection with public safety. It would have to do with safety around

the development areas. That's why the bill specifically would allow the Secretary to set up zones.

Mr. VOLKMER. There would be areas where you could not hunt.

Mr. WOERPEL. With firearms, in terms of safety. But we don't have any areas specifically on the national forest right now where the Secretary has set up special regulations without having the consultation and actually the implementation by the Department of Natural Resources.

Mr. VOLKMER. We don't have to fear either that the Secretary is going to say there is not going to be any hunting on Grand Island, as long as the Forest Service owns it.

Mr. WOERPEL. That's right.

I think the public involvement that is involved in this bill, directed by this bill, as well as the National Forest Management Act, would require considerable consultation with the public before such a thing would be allowed to happen.

Mr. VOLKMER. I have no further questions.

The gentleman from Montana.

Mr. MARLENEE. Thank you, Mr. Chairman.

In reading page 8, section 5, Fish and Game: "Nothing in this act shall be construed as affecting the responsibilities of the State of Michigan with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping in any lands acquired and managed by the Secretary under this act, except that the Secretary may designate zones where, and establish periods when, no hunting, fishing or trapping shall be permitted for reasons of public safety, administration, the protection of nongame species and their habitats, or public use and enjoyment." As you know, the Humane Society of the United States filed suit against the U.S. Fish and Wildlife Service on refuges, claiming that the public use and enjoyment, particularly by their members, was imparred by hunting.

I would be much more comfortable, Mr. Chairman, if an amendment were added to say "except that the Secretary, in consultation with the State, may designate zones." That gives us an added insurance that the Federal Government, the U.S. Fish and Wildlife Service, and some special interest groups may, in fact, take an action that would prohibit broad-scale hunting. This way, the Federal Government has to consult with the State at least, and it gives us a little added layer of protection.

Mr. VOLKMER. I can understand some of the gentleman's concerns. When we get into markup, we will discuss it.

Mr. MARLENEE. OK.

Mr. VOLKMER. Are there any further questions of this witness?

Mr. MARLENEE. Do you have any comment on that, Mr. Woerpel?

Mr. WOERPEL. None other than what I stated before, that I can only say our past practicer——

Mr. MARLENEE. It is not the intention of the agency, according to this legislation?

Mr. WOERPEL. No, not in this legislation. We haven't handled it in any other way than by consultation with the State of Michigan on the Hiawatha.

Mr. MARLENEE. I understand your concern with safety around cabin areas or concessions or something like that. I think consulting with the State would be appropriate in that fashion, too.

Mr. WOERPEL. I have had about 20 years of work experience in the State of Michigan in several capacities, and I can only state from that experience, sir, that we haven't done anything without the consultation.

Mr. MARLENEE. Thank you, Mr. Chairman. I yield back the balance of my time.

Mr. VOLKMER. If there are no further questions, that will conclude the hearing. Thank you very much, Mr. Woerpel. We appreciate your testimony and help. With that, we will go direct to markup.

[Whereupon, at 2:55 p.m., the subcommittee proceeded to other business.]

[Material submitted for inclusion in the record follows:]

STATEMENT OF
LARRY HENSON, ASSOCIATE DEPUTY CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Forests, Family Farms and Energy
Committee on Agriculture
United States House of Representatives

Concerning H.R. 1472, Grand Island National Recreation Area, Michigan

June 27, 1989

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to offer the Department of Agriculture's views on H.R. 1472, a bill "To establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes." With me today is Mr. Loren Woerpel, Lands Officer on the Hiawatha National Forest.

The Department of Agriculture supports the enactment of H.R. 1472, as reported June 8 by the House Committee on Interior and Insular Affairs.

Located approximately one-half mile offshore from Munising, in northern Michigan, the 13,000-acre island is the second largest in the U.S. portion of Lake Superior. Access during the summer is by boat or barge, and by snowmobile during the winter when Lake Superior is frozen. A system of primitive roads provides access around the island.

Cleveland-Cliffs Iron Company (CCI) owns about 99 percent of the island, however, there are several small individually owned lots and 72 acres of

National Forest System lands. The CCI property has been for sale for several years. Grand Island has been used for recreational purposes for decades. There are several summer cottages on the island--some on the CCI property and some on the individually owned lots.

While still tree covered, the CCI property has been heavily logged. The island has numerous ecologic, natural, historic, and pre-historic features. Examples include Echo Lake, two historic lighthouses, and a shoreline that includes white sand beaches and colorful sandstone cliffs that rise up to 200 feet above the water.

At the north end of the island, there is a 59-acre parcel of National Forest System land that is designated as a Research Natural Area. This area was established in 1977, and it is managed by the Hiawatha National Forest for potential ecological research because of its undisturbed plant communities, the abundance of beech at the northwestern extent of its range, and the Lake Superior dominated environment.

The Forest Service has authority under the Weeks Act to acquire land at Grand Island subject to funds being appropriated for that purpose. Designation of this island as a National Recreational Area, however, would require new legislation as well as acquisition of a major portion of the island. As you know, Mr. Chairman, for the past several years, the Administration has not supported an acquisition program because of the need to reduce the Federal budget deficit. However, President Bush proposed a budget amendment for fiscal year 1990 that includes an appropriation of $206 million from the Land and Water Conservation Fund. Funds for the acquisition of Grand Island are included in this amendment.

Acquisition of Grand Island pursuant to H.R. 1472 would be preferable to acquiring the land under our generic authority, since H.R. 1472 would confer the NRA status and provide other authorities tailored to the unique resources and history of Grand Island.

We do, however, have one concern with the bill. Section 8 would establish an advisory commission to advise the Secretary of Agriculture on the preparation of a management plan for the NRA. Three members of the commission would be Forest Service employees. We recommend that this provision be amended to assure that the Forest Supervisor of the Hiawatha National Forest be one of these employees, and that all three are ex-officio, non-voting members of the commission.

Mr. Chairman, Grand Island has the qualities necessary to provide a broad range of recreational opportunities, from backcountry hiking to developed campgrounds and rustic retreat lodging. We are confident that these opportunities could be realized over time through a cooperative approach involving Forest Service management, volunteers, private-sector partnerships, and concessionaires.

In summary, we support Federal acquisition of Grand Island in order to ensure public access to and use of the island--now and in the future. H.R. 1472 would establish a very unique and important national recreation area and provide a clear legal basis for planning, management, and public use on Grand Island.

This concludes my testimony. I would be pleased to answer any questions you may have.

Testimony of Madeline Fishel of The Trust for Public Land
Before the Subcommittee on Forest, Family Farms and Energy
Regarding the Establishment of a
Grand Island National Recreation Area (HR 1472)

My name is Madeline Fishel, and I am Assistant Director of Federal Projects for The Trust for Public Land (TPL), a national nonprofit land conservation organization dedicated to the protection of public open space across the country through public-interest real estate transactions. Since 1973, TPL has secured some 550 resource properties of local, state, or national significance, serving as an interim steward until an appropriate public agencies are able to assume ownership and permanent public management. I am appearing before the Subcommittee today to discuss some of the special resources that have led to the interest in public acquisition of Grand Island, and to describe The Trust for Public Land's role in that acquisition effort.

Grand Island's Resources

With an area of over 20 square miles, Grand Island is roughly the size of Manhattan Island, but the similarities between the two end there. Along Grand Island's 27 mile of Lake's Superior shoreline, colorful high sandstone cliffs alternate with long, untouched stretches of sandy beach. At the Island's center, an ancient beaver dam has formed mile-long Echo Lake, believe by many to be the largest beaver-created lake in the world. 175-year-old cedars rise out of the primordial, biologically rich wetlands at the northern end of Echo Lake.

Despite some extensive timber cutting in recent years elsewhere on the island, a few towering stands of virgin white pine remain, as does a beautiful virgin stand of beech. University of Michigan botanists have confirmed the presence of at least one threatened plant species, and other species await confirmation. Protected for years as a game preserve, Grand Island still sustains large wildlife populations including bear, fox, grouse, and dear. In addition to its diversity of warblers and other nesting birds, the island historically provided nesting grounds for bald eagle and peregrine falcon, and state game officials have suggested that Grand Island may be the best place to reintroduce the falcon in Michigan.

These special natural features lie in protected Munising Bay just a half mile from the Upper Peninsula, making it a remarkably accessible, resource-rich recreation area. In an area legendary for its fishing, Grand Island is locally famous as a prime fishing destination. Hikers, hunters, and other outdoorsman also find outstanding recreational opportunities in the island's woodlands and along its shores. As a major part of the Alger Underwater Preserve, the island's intriguing shallow-water dive sites include several wood-hulled shipwrecks and dramatic views of the unusual sandstone formations that link the island to the mainland.

Grand Island also has tremendous historic and archaeological value. Several Chippewa villages have been located on the island and the U.S. Forest Service is nearing completion of a village site study on Trout Point. Upon visiting one of these villages in 1820, Henry Rowe Schoolcraft wrote his journal accounts of "the solitary messenger" who sang the stories of his people and understood the language of the animals. Back in Massachusetts, Longfellow read Schoolcraft's journal, which formed the basis for his best-known work when he transformed the "messenger" into Hiawatha. In 1840, a trading post was established on the island, and the buildings that remain from that period through the turn of century -- including the remarkable century-old lighthouses on either end of the island -- represent some of the oldest structures still standing on Lake Superior. A number of university studies have called for preservation of Grand Island's archaeological and historic architectural sites.

TPL's Role on Grand Island

Frequently, a lack of available land acquisition funding, procedural constraints, or other factors prevent public agencies from taking advantage of resource land purchase opportunities as they arise. As a private nonprofit organization with public-interest conservation goals, the Trust for Public Land is able to step into this breach. By acquiring important recreation and resource lands through timely, independent real estate transactions, TPL meets immediate landowner needs and prevents incompatible private sale and development until agencies can acquire them from us for public management in perpetuity. This is the role that we have undertaken with respect to Grand Island.

Six years ago, we entered into discussion with Cleveland Cliffs Iron Company (CCI) after CCI had listed its ownership on Grand Island -- nearly 13,000 acres

comprising almost the entire island -- for private sale. In 1984 CCI agreed to sell the island to TPL for eventual public reconveyance. Later that year, however, the corporation decided once again to seek a more lucrative private sale. As TPL works only with willing sellers, we stepped aside at this point.

Slightly more than a year ago, CCI informed the Trust that the private development sale had not come to pass and that they were once again willing to work with TPL toward public acquisition. The corporation granted us an exclusive option, effective through the end of 1988, to purchase Grand Island. Because of the high priority we have placed on Grand Island among our work across the nation, TPL exercised this option at the close of last year despite the unavailability of public funds at that time to purchase the property from us. It is our hope that Forest Service purchase of Grand Island can occur as soon as funds are available in 1989 if funds are available through FY'90 appropriations. Our already substantial project costs -- and particularly our interest costs on the funds we are borrowing to purchase the Island -- will continue to mount until public acquisition is completed.

TPL's decision to purchase the island at that time was strongly influenced by the reemerging threat of incompatible private sale and development. CCI had learned that a private party was prepared to purchase the island following the expiration of our option. This private sale would have precluded public uses and enjoyment of Grand Island, and the opportunity for public management could have been lost forever.

Because of its abundant and diverse natural and recreational resources, we believe that Grand Island is a very special place for public acquisition and management. Given our historic and our current involvement in the Island, it will be clear to all of you that the Trust for Public Land is a very willing seller of this proposed addition to the Hiawatha National Forest. Thank you very much for your time and consideration.